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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,667	02/15/2002	Allon G. Englman	47079-0127	2996
70243	7590	10/16/2007	EXAMINER	
NIXON PEABODY LLP			HSU, RYAN	
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CHICAGO, IL 60601-3213				
			ART UNIT	PAPER NUMBER
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			10/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/077,667

Applicant(s)

ENGLMAN, ALLON G.

Examiner

Ryan Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-15,17,18,25,31,33,35,37-39 and 41-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-15,17,18,25,31,33,35,37-39 and 41-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

In response to the Request for Continued Examination (RCE) under 37 CFR 1.114 filed on 9/7/2007. Claims 1, 25, 48, and 51 have been amended and claims 8, 19-24, 32, 34, 36 and 40 have been canceled without prejudice. Claims 1-7, 9-15, 17-18, 25, 31, 33, 35, 37-39, and 41-52 are pending in the instant application.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-7, 9-15, 17, 25, 31, 33, 35, 37-39, 41, and 43-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinberg (US 5,851,010) as applied to claims above, and further in view of Osawa (US 6,857,958 B2).**

Regarding claims 1, 25, 43-44, 48 and 51, Feinberg teaches a method of conducting a wagering game on a gaming machine, which is known as "block wagering". Feinberg teaches the implementation a wagering game wherein a player places a single wager to purchase a series of plays of a basic portion of a game. Feinberg's wagering game defines the series of plays as a fixed number of plays of the wagering game (*see col. 2: ln 60-col. 3: ln 35*). Whereas the single wager is being allocated to the entire series of plays is not associated with any specific one of the series of plays, and the single wager being an amount made by any player such that different players pay the same amount (*see col. 3: ln 7-col. 4: ln 67*). Furthermore, Feinberg's system generates a randomly generated outcome of each play in the series of the plays of the basic

portion of the game, at least some of the outcomes providing first awards to the player (*ie: whether or not the player has generated more wins or losses*)(*see Fig. 1 and 3 and the related description thereof*). In Feinberg's teaching, the user selects a wager amount allocated to a series of plays while the single wager is not being associated with any specific one of the series of plays, the single wager being an amount made by any player such that different players pay the same amount (*see col. 2: ln 62-col. 3: ln 35*). However, Feinberg's wagering system is silent with respect to a "accumulation feature that accumulates a game-play element of the game over a plurality of plays in the series of plays of the basic portion of a wagering game and the accumulated game-play provides the user with a second award in response to predetermined criterion being met and the accumulation feature is reset to include no accumulated game-play elements prior to each purchased series of plays.

In an analogous gaming patent, Osawa teaches the implementation of a secondary game that constitutes an accumulation of symbols accumulated from the basic game. Osawa's gaming machine in its secondary game allows for the symbol combinations of the basic portion of the game to affect the secondary game that accumulates different symbols as they appear (*see Fig. 9 and the related description thereof*). Once a predetermined condition has occurred in the secondary game (*ie: the accumulated symbols reach a finish line or goal*) the secondary award is awarded to the player (*see col. 11: ln 1-21*). Additionally, Osawa teaches a gaming machine that permits a player to play the bonus game (*ie: the secondary game*) in response to a predetermined criterion being met and then returning to the basic portion of the game to continue playing the basic portion of the game (*see col. 11: ln 47-col. 12: ln 47*). One would be motivated to incorporate the teaching of Osawa into that of Feinberg because Osawa teaches the operation of

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a gaming machine and its interaction between a basic portion and a bonus portion of a wagering game. Feinberg are directed towards the teaching of starting or granting access to a wagering game with a teaching on the interaction between a basic game and a bonus game. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the game access system of Feinberg with the gaming machine teaching of Osawa to form a block wagering game machine that incorporated an accumulation feature for a secondary game.

Regarding claims 2 and 26, Osawa teaches the use of a gaming machine wherein the basic portion is selected from a group consisting of slots, poker, keno, bingo, blackjack, and roulette (*see slot machine [2] of Fig. 1 and the related description thereof*).

Regarding claims 9 and 11, Osawa teaches a method wherein each play includes at least one respective random event that is independent of other plays in the series (*see col. 8: ln 15-35, col. 8: ln 45-62*).

Regarding claims 17 and 41, Osawa teaches a method with a game machine wherein the basic portion includes a slot game having a plurality of symbol-bearing reels that, during each play in the series are spun and stopped to place symbols on the reels in visual associated with a display area (*see slot machine [2] of Fig. 1 and the related description thereof*).

Regarding claims 3-4 and 27-28, Osawa teaches a method wherein the basic portion is triggered by a special outcome in the basic portion and the accumulated element is represented by a position on a trail, ladder, or meter (*see Figs. 6-9 and the related description thereof*).

Regarding claims 5-7, 29-31, and 33, Osawa teaches a method wherein the position identifies a credit amount, a multiplier, a number of free plays of the basic portion, a bonus

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round, or movement to another position on the trail, the ladder or the meter. Additionally, the accumulated game-play element is a collected object and it further includes the triggering of a bonus in response to collection of a predetermined number of the object during the series of plays (*see Figs. 6-9 and the related description thereof*).

Regarding claims 10 and 12, Osawa teaches a method wherein the game includes the basic portion and a bonus feature triggered by a special outcome in the basic portion, the at least one random event being associated with the basic portion (*see Figs. 6-9 and the related description thereof*).

Regarding claims 13-15 and 37-39, Osawa teaches a method that includes redeeming prior to the completion of the series of plays, the accumulated game-play element for the second award in response to the predetermined criterion in the series of plays being met and after the bonus is complete, returning to the series of plays of the basic portion of the wagering game until completion and the predetermined criterion corresponds to collection of a predetermined number of the accumulated game-play element that corresponds to a certain position of the element on a trail, ladder, or meter (*see Figs. 6-9 and the related description thereof*).

Regarding claim 35, Osawa teaches a game machine wherein each play includes at least one random event that is interdependent of one or more other plays in the series (*see Figs. 6-9 and the related description thereof*).

Regarding claims 45-47, Osawa teaches a game machine wherein the accumulated game-play element is a number of consecutive winning symbol combinations achieved in the basic game, the second award being a credit amount corresponding to the number of consecutive winning symbol combinations. Additionally, the accumulated game-play element is a total value

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of credits being awarded as the first awards to the player for outcomes achieved in the basic game when a randomly appearing hold-bonus symbol is present during the outcomes that resulted in the first awards in the basic game, the second award being a credit amount related to the total value of credits in the basic game, the second award being a credit amount related to the total value of credits achieved when the randomly appearing hold-bonus symbol is present during the series of plays (*see Figs. 6-9 and the related description thereof*).

Regarding claims 49-50 and 52, Osawa teaches a method wherein the awarding of the second award occurs in a separate bonus game that is display to the player and the accumulation feature includes a second game-play element that can be accumulated and further including a second game play element during the series of plays of the basic portion of the wagering game and awarding another award to the player in response to another predetermined criterion being met for the second accumulated game-play element (*see Figs. 6-9 and the related description thereof*).

**Claims 18 and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa and Feinberg as applied to claims above, and further in view of Duhamel (US 6,311,976).**

With regard to claims 18 and 42, the teachings from Osawa and Feinberg as discussed above are incorporated herein. However, Osawa and Feinberg are silent with regard to teaching the specifics of a draw poker game implementation into the basic game. Duhamel, in an analogous gaming system, teaches, in Figs. 2-9, col. 5: ln 47-67, & col. 6: ln 1-37, a draw poker game and poker hand rankings table. One would have been motivated to combine the teachings of Duhamel with the teachings of Feinberg and Osawa in order to teach the specific implementation of a draw poker game into a basic portion of a game machine in order to

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diversify the type of games offered and increase the overall excitement of a game machine.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Duhamel with Feinberg and Osawa in order to create a more exciting experience for the player of the game machine.

***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E Pezzuto can be reached at (571)-272-6996.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).

  
RH

October 11, 2007

  
ROBERT E. PEZZUTO  
SUPERVISORY PRIMARY EXAMINER